

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action dated June 26, 2009.

Claims 1-14, 16-25 and 27-30 are pending in the application.

Claims 16 and 20 appear to be rejected under 35 USC 112, second paragraph (though not actually formally rejected) with the Examiner suggesting corrections. Claim 16 has accordingly been corrected to specify that the protrusion is on at least one of the blades and that “circle shape substantially” in claim 20, has been corrected to read “substantially circular shape”. Claim 12 has been correspondingly corrected and the claims have been further amended to correct language and grammar, as suggested. Only corrections of existing language are being made and no new issues are raised thereby, with entry being in order and requested.

Applicants acknowledge allowability of claim 19.

Claims 1, 4-7 and 14 were rejected under 35 USC 102(b) as being anticipated by Hug (US 4,312,756). Claims 1-14, 16-25 and 27-30 were rejected under 35 USC 103(a) as being unpatentable over Sasaki (US 4,066,546) and/or Henttonen et al. (US 6,027,656) and/or Huebel (US 5,925,247). Claims 1-14, 16-25 and 27-30 were rejected under 35 USC 103(a) as being unpatentable over Hug and further in view of Sasaki, Henttonen et al, Huebel and/or Rolchigo.

Claim 1 has been amended to obviate the broad reading cited by the Examiner in rejecting the claims on the basis of prior art and to further differentiate from the Examiner’s claim interpretation used in support of the rejection.

Specifically, claim 1 has been amended to specify that the rotor comprises “a plurality of first blades in a first plane extending in a radial direction from the rotational axis” and “a plurality of second blades extending in the radial direction from the rotational axis in a second plane” adjacent to but removed from the first plane along the rotation axis and that “the blades in one plane do not extend into the other plane.” This demarcates the blades into two fully separate planes as a single rotor element. Since this is in line with the Examiner’s interpretation of the claims, no new issues are raised thereby and entry is in order and is so requested. Basis for the amendment is in the Figures and particularly Figures 2-21 and in the specification describing these Figures.

In response to the rejections and in view of the amendments, it is initially submitted that the Hug reference in all the embodiments thereof does not meet the claim limitations of a rotor comprised of blades in two planes with blades in one plane not extending into the other plane.

Hug neither anticipates nor renders the claims unpatentable. The Hug reference simply discloses blades in a single plane from the rotational axis but which are tilted, in the various embodiments. Figure 11, cited by the Examiner, does not show nor is it described as having blades separately extending in two different planes. Contrary to the Examiner's suggestion, a tilted or Z-shape element is not equivalent to offset blade surface in terms of degree of water agitation.

In fact, none of the cited references disclose, teach, or even suggest dual adjacent planes of rotor blades and there is no basis for the broad interpretation by which the Examiner has rejected the claims. In addition, the irregularities 20 and 21 of Henttonen are not the same as blades in separate planes, since as seen in Figure 4 thereof, they extend only in a single plane from the rotational axis. Sasaki, with a full disc having ridges 32 and 214 (Figures 4 and 7), discloses no blades at all and, at most, discloses a single plane of vanes. Huebbel, at most, discloses a single disc with perpendicular protrusions but with only a base disc extending from a rotational axis. Similarly, Rolchigo discloses a single disc with indentations and ridges, with the single disc extending from a rotational axis.

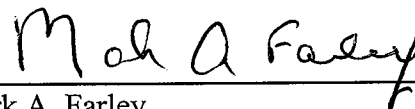
The Examiner noted that Applicants' arguments, as previously presented, had an interpretation "...not distinct in the claims as written, and in the broadest sense, the claims could be read as interpreted in the rejection..." With the above amendments, and, as described, the claims have been provided with distinct limitations not found in the prior art and not readable in accordance with the Examiner's interpretation, which he has used as a basis for the rejection.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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